

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA :
:
v. : **Case No. TDC-22-231**
:
TIFFANY RAINEL WILLIAMS, :
:
Defendant :
:

**DEFENDANT TIFFANY WILLIAMS' APPEAL OF ORDER OF
DETENTION AND REQUEST FOR EXPEDITED HEARING**

The Defendant, Tiffany Williams (“Ms. Williams”), by and through her counsel, John M. McKenna, Nicholas G. Madiou, and Brennan, McKenna & Lawlor, Chtd., respectfully appeals pursuant to 18 U.S.C. § 3145(b) from the Order of Detention issued in this case on August 30, 2022 (ECF No. 65) and reaffirmed on October 17, 2022 (ECF No. 93) and November 18, 2022 (ECF No. 94). Ms. Williams also requests that this matter be set in for an expedited hearing. In support of this appeal, counsel state as follows:

1. On June 29, 2022, a federal grand jury returned an Indictment charging Tiffany Williams and three others with various fraud, identity theft, and firearms offenses. (Indictment, ECF No. 1.) Ms. Williams is charged with the following offenses: conspiracy to commit bank fraud (Count One); substantive bank fraud (Count Six); and aggravated identity theft (Count Twelve). Ms. Williams is not charged with any firearms offenses.

2. On August 3, 2022, Ms. Williams appeared before Magistrate Judge Ajmel A. Quereshi for an Initial Appearance and Arraignment. At the conclusion of that proceeding, Ms. Williams consented to detention, reserving her right to seek release at a later date. (Order of Detention By Agreement, ECF No. 12.) At the time of that hearing, there were two outstanding warrants for Ms. Williams' arrest: one in Montgomery County and one in Prince George's County.

3. On September 7, 2022, Ms. Williams appeared before Magistrate Judge Gina L. Simms for a detention hearing. By the time of that hearing, both warrants had been recalled. At the conclusion of that hearing, Ms. Williams was ordered detained pending trial on the basis of risk of flight. (Order of Detention, ECF No. 65.) Judge Simms found by a preponderance of the evidence "that no condition or combination of conditions of release will reasonably assure [Ms. Williams'] appearance as required." (*Id.* at 2.)

4. On September 30, 2022, Ms. Williams filed a renewed Request for Detention Hearing. (ECF No. 69.) In support of that request, Ms. Williams stated that she had resolved several matters that had been pending against her in the Maryland state courts. Her only remaining pending state criminal case is a misdemeanor matter in the District Court of Maryland for Montgomery County that is set for trial on December 5, 2022. *See* No. No. 5D00418619. Ms. Williams also identified a suitable third-party custodian: her mother Robin Walker, a long-time

government employee who maintains a security clearance. The Government opposed Ms. Williams' Renewed Request for Detention Hearing. (ECF No. 75.)

5. On October 17, 2022, Magistrate Judge Simms held a hearing on Ms. Williams' renewed request. At that hearing, Judge Simms heard from Ms. Williams' mother, who has been cleared by the Pretrial Services Office as a suitable third-party custodian. Also, during that hearing, undersigned counsel proffered to the Court that Ms. Williams had previously successfully completed periods of home detention in the Maryland state criminal justice system. Judge Simms did not accept undersigned counsel's attorney proffer and instead requested records from the Circuit Court for Prince George's County to substantiate those arguments.¹

6. Undersigned counsel retrieved records from the Office of the Clerk of the Circuit Court for Prince George's County, Maryland. The records were attached as exhibits to Ms. Williams' October 26, 2022 Motion to Reopen Detention Hearing and Request for Expedited Hearing. (ECF No. 84.) The records show the following:

- Ms. Williams has previously been on pretrial home detention in case numbers CT131708B, CJ114488, and CJ114490. The records do not reflect any violations of home detention in those cases.

¹ Judge Simms conducted a portion of that hearing under seal. Undersigned counsel respectfully incorporate that discussion into the background of this detention appeal and will address those matters at a hearing before this Court.

- Ms. Williams received home detention as a sentence in case numbers CJ114488 and CJ 114490. Again, the records of the Circuit Court for Prince George's County reflect no violations of conditions of home detention.
- In case number CT131708B, Ms. Williams was sentenced to serve two weekends at the Prince George's County Detention Center. On both occasions, she turned herself in as required.
- Ms. Williams has filed successful motions to recall bench warrants on the following occasions²:
 - Case No. CJ125400 – recalled on April 3, 2017
 - Case No. CJ125400 – recalled on September 20, 2013
 - Case No. CJ172405 – recalled on February 2, 2017
 - Case No. CT131708B – recalled on January 26, 2018
 - Case No. CT 131708B – recalled on November 2, 2015.

7. On November 10, 2022, Ms. Williams filed a supplement to her Motion to Reopen Detention Hearing. (ECF No. 87 *SEALED*.) In that supplement, Ms. Williams alerted the Court to an urgent child custody matter in which she has been ordered to appear before the Circuit Court for Prince George's County on December 9, 2022. If Ms. Williams remains in pretrial detention in this case, she will be unable

² The records of the recalls are reflected on the public docket, which is accessible both online and at the Office of the Clerk of the Circuit Court for Prince George's County.

to appear for court on December 9. If Ms. Williams does not appear for court on that date, she risks losing custody of one of her minor children.

8. On November 16, 2022, the Government filed an Opposition to Ms. Williams' Motion to Reopen Detention Hearing. (ECF No. 91.) Following a hearing on November 18, 2022, Judge Simms denied Ms. Williams request to reconsider the order of detention in this case. (ECF No. 94.)

9. Upon a motion for review of an order of detention pursuant to 18 U.S.C. § 3145(b), this Court must “make a de novo determination as to whether the magistrate judge’s findings are correct based on the court’s review of the evidence before the magistrate judge.” *United States v. Martin*, 447 F. Supp. 3d 399, 402 (D. Md. 2020). In this case, this Court can fashion stringent conditions of home detention with location monitoring to ensure that Ms. Williams appears for court as required.

10. Ms. Williams respectfully submits that release to the custody of her mother on 24/7 home detention with location monitoring will adequately ensure her presence in court as required. The simple truth is that Ms. Williams has never absconded from the supervision of the criminal justice system. Her entire life is in Prince George’s County, Maryland. Her minor children are in Prince George’s County. Ms. Williams’ mother has assured the Court that she will monitor Ms. Williams’ compliance with all conditions of release. Ms. Williams has known about the allegations at the center of this case for a long time. When she learned of the

Government's investigation, she did not run. Instead, she sought counsel. Ms. Williams' history in this case shows that she is engaged with the legal process and will participate as required. Release on the strictest conditions of home confinement will provide adequate assurance to this Court that Ms. Williams will continue to appear.

11. The Bail Reform Act tolerates no other result, for “[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” *United States v. Salerno*, 481 U.S. 739, 755, 107 S. Ct. 2095, 2105, 95 L. Ed. 2d 697 (1987). Ms. Williams, a mother of three small children who stands before this Court charged with nonviolent offenses, should be no exception to this constitutional rule.

12. Ms. Williams respectfully requests an expedited hearing on this matter.

13. Wherefore, Ms. Williams respectfully requests that this Court reverse the order of detention in this case and permit her release to the custody of her mother with strict conditions of home confinement.

Respectfully submitted,

s/_____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 30, 2022, a copy of the foregoing was sent to the United States Attorney's Office for the District of Maryland, via ECF.

s/_____
John M. McKenna